

Senate bill No. 259, "An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," was taken up, and

Read the second time and ordered engrossed.

On motion of Senator Jerdone,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

## YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

## NAYS—1.

Harrison.

The bill was read third time and passed by the following vote:

## YEAS—16.

Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Randolph,
Farrar,	Kilgore,	Shannon,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

## NAYS—7.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell.
Garrison,		

The following message was received from the Governor:

To the Senate and House of Representatives:

GENTLEMEN—I learn from the public prints that the two houses have adopted a resolution to adjourn on the thirty-first instant.

By virtue of an act of the Eighteenth Legislature, the board created thereby has been auditing the claims against the federal government for moneys expended in defending the Texas frontier. We have now audited, in accordance with the rules adopted by the Treasury department, about one million, and will soon complete the work. The whole sum will probably be about fourteen hundred thousand.

When they are presented to the auditorial board at the Treasury department, they are taken up item by item, and the State is required to satisfy that board:

1. That the money was actually expended.

2. That there was a necessity for the expenditure. It was supposed at one time that our board had authority to employ a man and send him to Washington, to remain there to represent the State in securing the payment of our claims.

But the opinion of the board now is, that it is lacking in authority to make a contract for that purpose. It will require a first class business man, and he will have to be on the spot all the time.

It has been supposed by some that our Senators and members in Congress could perform this duty. I am informed by them that it is impossible for them to do so, and that it is the duty of the State to send a man to look after these claims who can give his whole time to it.

I am not fully advised of the import of the bill pending in the House of Representatives, but learn that the committee to whom it was referred has reported adversely to it.

If the measure fails entirely, it will prove disastrous to the State.

This is a large claim. I of course can form no idea of the amount that will be realized on it.

I trust the measure will be taken up, and the board invested with such authority as will enable the State to collect its money.

JOHN IRELAND.

The President laid before the Senate House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof."

The bill was read the second time with committee amendment.

On motion of Senator Houston of Bexar,

The Senate adjourned till ten o'clock to-morrow morning.

## SIXTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, March 26, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

## REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions Nos. 1 and 2 entitled "Joint resolution to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do not pass.

Substitute House joint resolution Nos. 1 and 2 seek to take from the Court of Appeals jurisdiction of all civil business, and place it in the Supreme Court. The effect of the proposed change would be to overload the docket of the Supreme Court to such an extent as to greatly obstruct the administration of justice.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 27, entitled "Joint resolution to amend section 8, article 5, of the Constitution of the State of Texas," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

The object of this joint resolution is to confer general jurisdiction on the district courts, and to give them such general supervisory control over county commissioners' courts as may be provided by law.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 14, entitled "Joint resolution to amend section 2, article 6 of the Constitution of

State of Texas." have had the same under consideration. And instruct me to report it back with the recommendation that it do pass.

The purpose of this joint resolution is to require foreign born persons to declare their intention to become a citizen of United States twelve months prior to any election before they can vote, and to authorize persons to vote in organized counties having an election precinct therein.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Traylor:

COMMITTEE ROOM,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 502, entitled "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

A majority of the committee think it will establish a bad precedent, without being of material advantage to taxpayers. It is believed that money will be as scarce on July 1 as now, and is it thought collectors will be so indifferent to their own political interests as to hastily and arbitrarily enforce such collections. Furthermore, several collectors have already advertised sales of real estate of non-residents, and it is believed the extension herein provided will bring about many complications without corresponding good.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Davis:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 422, entitled "An act to amend article 341, title 10, chapter 4, of the Revised Penal Code," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 290, entitled "An act to amend articles 373 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 374," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 409, entitled "An act to amend article 4518, of chapter 1, title 91, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred sub-

stitute House bill No. 218, entitled "An act authorizing the sheriffs, constables, or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving such sheriffs, constables or their deputies time to secure service on such principals and sureties," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out the words "with the consent of the plaintiff in such damage suit," in section 1 of the bill.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 151, entitled "An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 266, entitled "An act to authorize the redemption of lands sold under execution, or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein," have had the same under consideration, and instruct me to report it back with the recommendation that it do lie on the table, as the near approach of the close of the session renders its passage exceedingly doubtful.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 490, entitled "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,' have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

In the opinion of the committee, the bill, if passed, would be unconstitutional.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 162, entitled "An act to amend article 2411, chapter 4, title 42, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,  
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 341, entitled "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. The district judges, under existing laws, have the right to leave the State at any time they choose, provided they do not thereby neglect the duties of their office, and we not think that they should be permitted to leave during a session of their court, or at any time when the duties of their office would be materially affected thereby.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 239, being "An act to amend chapter 20, title 37 of the Revised Statutes, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 248, being "An act to amend articles 2225 and 2226 of the Revised Statutes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 278, being "An act to confer upon certain county courts whose jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senator Traylor sent up the following special committee report:

COMMITTEE ROOM,  
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee, appointed at the request of Hon. W. C. Walsh, Commissioner of the General Land Office, in accordance with his communication to yourself, dated March 16, 1885, requesting that a special committee be appointed to investigate charges made against him on the floor of the Senate Chamber, in reference, as we understand it, to correspondence between himself and A. E. Dodson, of Cooke county, concerning the location of the John C. White veteran certificate, and also in reference to the locating and patenting veteran certificates in Greer county. We have ascertained that an extensive correspondence, covering a period of a year, has been carried on between Mr. A. E. Dodson and Hon. W. C. Walsh, in reference to various and sundry locations as might occur with any person doing a general land agency business and the Commissioner of the General Land Office. But the committee only had occasion to make investigation in reference to the correspondence relative to the John C. White certificate before alluded to, which correspondence consists of four or five letters written by Mr. Dodson, and answers thereto by the Commissioner of the General Land Office, hence it is this correspondence only we have investigated and to which we refer.

Mr. Dodson located sixty-nine and one-half acres of land in Cooke county, by virtue of veteran certificate No. 1690, issued under act of March 15, 1881. The land was surveyed in August, 1883, and filed in the Land Office August 24, 1883. Taking the course of all claims, it was registered, indexed, and referred to the calculator. He discovered errors in the field notes, viz.:

that they did not close, and this fact was reported before examination on the map, or as to legality was made. object (Capt. Walsh says) was to get the claim in such condition as to patent immediately if declared legal.

Previous to this date, however, on July 3, 1883, Mr. Dodson had written a letter to the Commissioner enquiring whether or not veteran certificates issued under act of March 15, 1881, and veteran certificates issued under act of 1879, and Confederate certificates, locatable on vacancies of less than 640 acres in organized counties, would be patented. In response to which the Commissioner gave no opinion in reference to veterans issued under act of 1881, of which the John C. White is one, but merely quoted the language of the act of March 1881, granting these certificates, but stating plainly that veteran certificates under act of 1879 and Confederate certificates were not locatable on vacancies of less than 640 acres in organized counties.

On September 27, 1883, Mr. Dodson asks information as to the validity of his J. C. White location, and further asks whether there any case now in court awaiting action to settle this question. He was answered October 2, 1883, that the Commissioner knew of no case in court involving the question. On December 17, 1883, in answer to his letter of November 20, 1883, he was again advised of error in the field notes. The legal question involved, and about which correspondence had passed, was supposed to be understood, and was not repeated. On May 28, 1884, in answer to Mr. Dodson's letter of May 21, 1884, stating about seventeen claims, he was furnished a statement of the Commissioner as far as the claims had been examined, those which had not been endorsed by the draftsmen and examining clerk were reported as having been passed for examination, and if found correct would be patented when ready in their order. This, we learn, is the usual formula in reporting unexamined claims, and simply means that if no objection legal or technical is found, the claims would be patented. It would probably have been better had the Commissioner repeated the legal doubts as to this claim, but it was not done.

August 12, 1884, the claim was endorsed by the chief draftsman "Illegal—being made on reserved land—otherwise correct on map;" and October 8, 1884, Mr. Dodson was written, quoting the above endorsement. This meant nothing more, less, says Capt. Walsh, than that the Commissioner would pass on the question of the validity of the location. Mr. Dodson must have known that the question was held open by the department for judicial or legislative action before the location was made, in evidence of which we refer to the letter addressed him by the Commissioner, before referred to, bearing date July 3, 1883. He was treated, it appears, in the same manner as others. His survey was filed, registered and mapped, the endorsement of the draftsman was made as in all such cases, prevent the claim passing to patent through any oversight.

The committee are of the opinion a misconception arose in reference to Capt. Walsh's letter of July 3, 1883, to Mr. A. E. Dodson, in answer to Mr. Dodson's inquiry as to whether veteran certificates of 1881, veteran certificates of 1879, and Confederate certificates, were locatable on vacant land of less than 640 acres in organized counties; in reply to which Capt. Walsh said positively the two latter class of certificates were not, but merely quoted the law authorizing the issuance of the first named class, he being in doubt about the latter class himself and preferring to leave it to the courts or to the Legislature to determine. Also, in reporting upon the John C. White location, in connection with others, he said "they had been passed for examination, and if found correct would be patented," he meaning thereby if correct technically and legal while it may have been construed by others as having reference alone to the field notes. The reasons above given, and the additional one that Mr. Dodson wrote Senator Davis that Capt. Walsh had, in conversation with him, agreed to recognize the validity of the John C. White location, we think led to the misunderstanding.

We will add, we have heard of no instance where persons were allowed patents on tracts of less than 640 acres in organized counties since the act of March 11, 1881, reserving land from location, nor have we any knowledge of any person being denied the right to locate veteran certificates of 1881 in Greer county.

The act of March 15, 1881, granting veteran certificates of 1280 acres, made them locatable as headright certificates, "any of the public domain of the State," and repealed the act of 1879, granting certificates of 640 acres each to veterans, specifically reciting its caption and "all other laws conflicting with the provisions of this act." The provisions of this act were: 1, the issuance of certificates for 1280 acres; 2, that the

were locatable as headrights, and, as such, divisible until exhausted; and 3, upon any public domain. The Commissioner, regarding "public domain" as embracing such of the territory of the State as she had not granted to individuals or dedication to some trust, it was held by that officer that these certificates were locatable upon any land not located or not surveyed for educational purposes. In applying this construction, he was met with the preceding act of March 11, 1881, which prohibited the location of any certificates on the lands therein named, and while ordinarily the later act would repeal the earlier, the fact remained that the two acts of March 11, 1881, and March 15, 1881, neither received the requisite vote, and consequently came into existence ninety days after adjournment, namely, July 1, 1881. The act of February 25, 1879, which had appropriated one-half of the territory of Greer county to public schools and one-half for the payment of the public debt, was not repeated in the act of March 11, 1881, and was held to be repealed so far as it conflicted with the provisions of the act of March 15, 1881, to the extent, at least, of one-half its territory.

That is, the Commissioner ruled that the act of March 11, 1881, granting veteran certificates, although passed three days before the act of July 14, 1879, reserving from location lands in unorganized counties and all tracts of less than 640 acres in organized counties, which would include the tract upon which the John C. White certificate was located in Cook county, that both acts going into effect simultaneously, he would recognize the surveys thus made, but would not patent, but await legislative or judicial action. He also ruled that veteran certificates issued under act of 1879 could not be located in Greer county, because there was no repealing clause in the bill granting the certificates, but that veteran certificates issued under act of 1881 could be located in Greer county, because it was subsequent to the act of 1879, setting aside Greer county for a specific purpose, and repealed all laws in conflict therewith.

We are informed by Capt. Walsh this ruling was communicated by him in conversation in the office to Col. John M. Swisher, a Texas veteran, who had one of the certificates affected thereby. Col. Swisher investigated the matter, and after consultation with lawyers, concluded the ruling was correct, and had circular letters printed and sent to veterans who had obtained or were entitled to certificates under the act of 1881.

These printed letters were distributed over the State, and the fact of the ruling was commented on by the newspapers and known to the public generally.

Many of the veterans accepted the proposition of Col. Swisher, and made contracts with him for location of their certificates in Greer county. He located and returned about one hundred surveys before anyone else took any steps in the matter.

When the first patents were issued, they were sent to the Governor for his signature, unaccompanied by any others, with a letter calling his attention to their character and where located. When the cattle firm, which afterwards located there, became satisfied that the ruling of the Land Office was correct, and that the title of Texas was indisputable, they bought and located also.

There was no limitation in the law or the certificates as to sale, and whatever legal right the State granted to the veteran, he could convey and vest in his assignee.

Having held that the veteran certificates, under act of 1881, were locatable in Greer county, there was no authority to rule that they were good only to the original grantee.

The ruling by the Commissioner, so far as we can ascertain, have been uniform, viz:

1. That the Land Office would not determine the question of conflict between the acts of March 11, 1881, and March 15, 1881.
2. That veteran certificates of 1881 were locatable in Greer county.
3. That veteran certificates under act of 1879, which contained no repealing clause, and Confederate certificates, were not locatable therein.

Nothing contrary to the above has been ruled, so far as we can learn. While we have had to rely almost exclusively on data and information furnished by the Land Office, or persons connected therewith, yet we have reached the conclusion that there was nothing in the conduct of the Hon. W. C. Walsh in reference to the location of the John C. White certificate, or the correspondence relating thereto, or in reference to the locating and patenting lands in Greer county, that would justify a

suspicion that he was actuated by other than the purest motives in the intelligent discharge of a conscientious official duty.

All of which is respectfully submitted.

JNO. H. TRAYLOR,  
C. K. BELL,  
C. J. GARRISON.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

Senate bill No. 141, "An act to amend articles 29 and 30 of the Penal Code of Criminal Procedure for the State of Texas." Substitute House joint resolution No. 30, "Joint resolution to amend section 2, of article 5 of the Constitution of the State of Texas."

House bill No. 562, "An act to amend sections 12 and 4 of an act entitled 'an act to provide for the more efficient management of the the Texas State Penitentiaries and to make an appropriation therefor,' approved April 18, 1883."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith."

House bill No. 529, "An act to amend an act to redistrict the State into judicial districts," etc.

Respectfully,

A. D. SADLER,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has reconsidered its action in adopting the minority report of the conference committee on Senate bill No. 8, and has adopted the majority report of said committee.

Respectfully,

A. D. SADLER,  
Chief Clerk House Representatives.

#### BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to authorize the Governor to appoint three assessors and collectors of taxes in the unorganized counties of the State, and to define their powers and duties and fix their compensation."

Referred to Finance Committee.

Substitute House bill No. 370, "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes," was laid before the Senate and read the second time.

On motion of Senator Traylor,

The bill was acted upon by sections.

Senator Glasscock offered the following amendment:

Amend by adding to the appropriation of the executive office the following: For balance of salary due Edwin Rust as executive clerk from November 15, 1883 to March 1, 1885, \$775.

Lost.

(Senator Terrell in the chair.)

Senator Kleberg offered the following amendment:

Amend item in line 15, page 3: "Salary of inside watchman \$900, and two other additional watchmen for the treasury and Comptroller's department, at \$600 each; total, \$2100."

Senator Shannon offered the following substitute for the amendment:

In line 17, strike out the words "at \$700 each."

Accepted, and

Adopted by the following vote:

YEAS—15.

Calhoun,	Hall,	Perry,
Davis,	Houston of Bexar,	Shannon,
Evans,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.

NAYS—9.

Bell,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Randolph,
Fowler,	Jerdone,	Woods.

ABSENT, NOT VOTING.

Pope.

Senator Evans moved to amend line 6, page 4 of printed bill, in Comptroller's department, by inserting \$1350 in lieu of \$1200.

Adopted by the following vote:

YEAS—16.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Hall,		

NAYS—8.

Davis,	Getzendaner,	Perry,
Farrar,	Harrison,	Woods.
Fowler,	Knittel,	

Senator Davis offered the following amendment:

Change all the \$1200 salaries in Comptroller's department to \$1350.

Adopted by the following vote:

YEAS—17.

Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Fowler,	Jerdone,	Stinson,
Garrison,	Kilgore,	Terrell,
Glasscock,	Knittel,	Traylor.
Hall,	Pfeuffer,	

NAYS—7.

Bell,	Getzendaner,	Perry,
Evans,	Kleberg,	Woods.
Farrar,		

ABSENT NOT VOTING.

Pope.

Senator Harrison moved to reconsider the vote adopting the amendment of Senator Davis.

Senator Davis moved to lay that motion on the table.

Adopted.

Senator Garrison offered the following amendment to the Land Office department:

Amend in line 11 by striking out "\$12,960," in both columns and insert "\$14,400" in lieu thereof.

Lost.

Senator Houston of Bexar moved to amend so as to make all \$1200 salaries in Land Office \$1350.

Withdrawn.

Senator Glasscock moved to amend line 6, page 5, by striking out "\$1350," and inserting "\$1500."

Lost.

Senator Evans moved to strike out "\$1600," in line 3, page 5, and insert "\$1800."

Senator Traylor moved to substitute the amendment by striking out "\$1600" and inserting "\$1500."

Adopted.

The amendment as substituted was lost.

Senator Kilgore moved to amend by striking out \$14,400, in line 14, page 5, and insert \$15,200 in lieu thereof.

Senator Evans moved to substitute the amendment by striking out "twelve," after the word "of," in line 14, page 5, printed bill, and insert in lieu thereof the word "ten."

Accepted, and

Amendment lost.

Senator Calhoun offered the following amendment:

Amend lines 7, 14, 16 and 18, page 5, General Land Office, strike out \$1200 wherever it occurs and insert \$1350.

Lost.

Senator Shannon moved the following amendment:

In line 15 strike out all after the word "one" and insert "school, university and asylum land draftsman, to be paid out of the respective funds."

Adopted.

Senator Davis moved to strike out the word "chief" in line 23, page 6.

Adopted.

Senator Shannon moved to make the Court of Appeals' porter hire \$300.

Adopted.

Senator Calhoun moved to amend line 23, page 8, by striking out "\$95,000," where it appears, and insert "\$100,000."

Adopted.

Senator Calhoun offered to amend line 24, page 8, for \$12,000 insert \$12,500.

Adopted.

Senator Davis moved to amend by striking out line 24.

Withdrawn.

(The President in the chair.)

Senator Traylor offered to amend lines 13 and 14, page 9, by striking out \$5000 and inserting \$8000.

Adopted.

Senator Davis offered the following amendment:

After penitentiaries, in line 19, page 9, add "and capitol," and make "board" read "boards."

Adopted.

Senator Glasscock moved to amend line 1, page 10, so as to make salary of Superintendent of Public Grounds and Buildings \$1000 per year instead of \$500.

Adopted by the following vote:

YEAS—13.

Calhoun,	Houston of Bexar,	Shannon,
Fowler,	Jerdone,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor.
Hall,		

NAYS—11.

Bell,	Garrison,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Knittel,	Woods.
Farrar,	Perry,	

ABSENT NOT VOTING.

Pope.

Senator Davis moved to stike out from line 10, page 10, to line 14, inclusive.

Adopted.

Senator Glasscock moved to amend page 10, line 6, by striking out "\$350" and inserting "\$1000." Also strike out "\$100" and insert "\$1000."

Lost.

Senator Woods moved to strike out all in line 6, page 11.

Lost by the following vote:

YEAS—11.

Davis,  
Farrar,  
Garrison,  
Getzendaner,

Hall,  
Kilgore,  
Kleberg,  
Knittel,

Perry,  
Pfeuffer,  
Woods.

NAYS—13.

Bell,  
Calhoun,  
Evans,  
Fowler,  
Glasscock,

Harrison,  
Houston of Bexar,  
Jerdone,  
Randolph,

Shannon,  
Stinson,  
Terrell,  
Traylor.

ABSENT, NOT VOTING.

Pope.

I vote "no," because I do not think that the appropriation should be stricken out while the law granting pensions is unrepealed.

TERRELL.

Senator Pfeuffer moved to substitute "\$60,000" for "\$70,000," in line 7, page 12.

Withdrawn.

Senator Terrell moved to strike out "\$640," in line 26, page 12, and insert "salary of engineer and two firemen, \$900."

Adopted.

On motion of Senator Davis,

Senato: Knittel was excused for the day.

Senator Terrell moved to strike out "\$20,000" and insert "\$25,000."

Adopted.

Senator Stinson moved to strike "\$900," in line 1, under 1887.

Adopted.

Senator Terrell moved to strike out "\$1200," in line 27, page 15, and insert "\$900."

Adopted.

Senator Stinson moved to add the following: "For support of summer normal schools, to be paid out of school fund for the years ending February 28, 1886, \$6000; 1887, \$6000."

Senator Kilgore offered the following substitute for the amendment:

Amend by adding after the word "purpose," in line 7, page 14, the following words: "For the payment of salaries of summer normal institute principals, to be appointed by the Superintendent of Public Instruction, one in each senatorial district for whites, and one in each congressional district for colored teachers, \$6000 each year."

Accepted.

Senator Davis moved to amend the amendment as substituted as follows:

Strike out "Superintendent of Public Instruction" and insert "Board of Education."

Lost.

The amendment as substituted was adopted.

Senator Getzendaner moved to strike out line 26, on page 7.

Lost.

Senator Traylor moved to amend page 17, lines 28 and 29, by striking out "to be paid out of general

revenue," and inserting "to be paid out of available school fund."

The President referred the following House bills, to-wit:

No. 529 to Committee on Judicial Districts.

No. 562 to Committee on Penitentiaries.

Substitute House bill No. 170 to Committee on State Affairs:

Substitute House joint resolution to Committee on Constitutional Amendments.

On motion of Senator Houston of Bexar,

The Senate adjourned till 3 o'clock this afternoon.

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The President gave notice of signing the following bills:

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas"

Senate bill No. 235, "An act to authorize the several commissioners' courts of the State of Texas to provide for more than four terms of the county courts annually, for the transaction of civil, criminal and probate business, and to fix the times at which all the terms of the county courts may be held."

Senate bill No. 180, "An act to amend section 4 of of 'an act to redistrict the State into judicial districts,' etc., was laid before the Senate with House amendments.

On motion of Senator Traylor,

The Senate concurred in the first House amendment.

On motion of Senator Garrison,

The Senate refused to concur in the second House amendment.

On motion of Senator Terrell,

Senator Pope was excused for to-day, on account of sickness.

Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," was laid before the Senate, with House amendment.

On motion of Senator Davis,

The Senate concurred in the House amendment.

The Senate resumed consideration of substitute House bill No. 370 (the appropriation bill).

The amendment of Senator Traylor, pending on adjournment, was adopted.

Senator Terrell moved to reconsider the vote just taken.

Adopted.

The amendment was then adopted by the following vote:

YEAS—15.

Bell,  
Calhoun,  
Farrar,  
Fowler,  
Getzendaner,

Glasscock,  
Houston of Bexar,  
Jerdone,  
Kleberg,  
Knittel,

Perry,  
Pfeuffer,  
Randolph,  
Traylor,  
Woods.

## NAYS—9.

Davis,  
Evans,  
Garrison,

Hall,  
Harrison,  
Kilgore,

Shannon,  
Stinson,  
Terrell.

Senator Harrison offered the following amendment:

Amend line 2, page 19, by adding "subject, however, to the appropriation herein made for the A. and M. College."

Adopted.

Senator Davis offered the following amendment:

Amendment to the appropriation bill: To refund to purchasers of public domain and other public lands the money paid by them into the State Treasury as the purchase money on lands for which they have been unable to acquire title for the reasons mentioned in the act of April 14, 1883, page 113 of the general laws of the Eighteenth Legislature, \$5000. One-half to be paid out of the general revenue, and the other out of the fund to which said money belongs.

Adopted.

Senator Kleberg offered the following amendment:

Under head of "miscellaneous," add "to pay John O'Brien for Sam Houston bust, \$1500."

Lost.

Senator Fowler moved to strike out "\$1000," in both places in line 12, page 11, and insert instead in each place "\$1400."

Lost.

Senator Houston of Bexar offered the following amendment:

Amend by inserting after 'General Land Office, the following:

## DEPARTMENT OF INSURANCE, STATISTICS AND HISTORY:

For salary of Commissioner.....	\$2,000	\$2,000
Salary of chief clerk.....	1,500	1,500
One temporary clerk.....	500	500
Porter hire.....	300	300
Stationery, postage, fuel, lights, expressage, and binding books for public library.....	500	500
Purchasing books for public library.....	500	500
Subscriptions for newspapers for public library and binding the same.....	200	200
Contingent expenses.....	100	100
Deficiency in appropriation for payment of sets of Southern Historical Society papers distributed to the several counties in the State, (10 sets of 10 vols. each \$31).....	310	

Senator Shannon moved to amend the amendment as follows:

Strike out all but the salary of Commissioner and one clerk.

Adopted.

The amendment, as amended, was adopted by the following vote:

## YEAS—15.

Bell,  
Farrar,  
Garrison,  
Getzendaner,  
Glasscock,

Hall,  
Houston of Bexar,  
Jerdone,  
Kilgore,  
Kleberg,

Pfeuffer,  
Randolph,  
Stinson,  
Terrell,  
Traylor.

## NAYS—9.

Calhoun,  
Davis,  
Evans,

Fowler,  
Harrison,  
Knittel,

Perry,  
Shannon,  
Woods.

(Senator Shannon, President pro tem., in the chair.)

Senator Getzendaner moved to strike out lines 10, 11, 12, 13, 14, 15, 16 and 17, on page 20.

Adopted.

Senator Traylor offered the following amendment:

For salary of Commissioner of Fish, pay of help at the ponds, water supply, shipping fish, incidental expenses, etc. to date when the law abolishing the Commissioner takes effect, say July 1, 1885, the sum of \$1035.

Adopted.

Senator Traylor offered the following amendment:

To pay D. F. Garrett amount paid into the Land Office as purchase money and patent fees on two settler's claims in name of W. W. Hanks and Robert Johnson, on which claims patents could not issue, \$162.

Lost.

Senator Traylor moved to amend by adding:

To pay the widow of Peter Tomlinson for military services performed by Joseph A. Bottoro, in 1860, \$258.60.

Lost.

Senator Traylor offered the following amendment:

For payment of J. S. Montgomery for services of M. S. Boatner as school inspector for three months, in 1873, \$375.

Lost.

Senator Kleberg offered the following amendment:

To pay the State Railroad Engineer and his assistant for the unexpired term of their respective offices, say \$1500, or as much thereof as may be necessary out of said sum.

Adopted.

Senator Evans moved to amend as follows:

Amend by adding after line 3, page 22, the following: "Two per cent of whatever may be collected on claims of the State of Texas against the United States, together with the sum of \$5000, or so much thereof as may be necessary, to pay the expenses and for the services of such agent as the Governor may appoint for the purpose of prosecuting and attending to the collection of said claims at Washington City."

Senator Terrell offered the following substitute for the bill:

For salary and expenses of an agent of the State of Texas to be appointed by the Governor, for the purpose of presenting and urging the claims of the State of Texas against the United States for money expended for frontier protection, of per cent of all claims allowed by the United States in favor of the State of Texas, and the further sum (to be paid upon the warrant of the Governor) of \$3000.

Adopted.

Senator Glasscock offered the following amendment to the substituted amendment:

And for defending Texas against invasions and marauding bands from Mexico.

Lost.

The amendment as substituted was adopted.

Senator Harrison offered the following amendment:

Amend by striking out the items for porter hire in the Department of State, Treasury, department, executive office, Attorney-General's office, Comptroller's office and Department of Insurance, Statistics and History, and appropriate \$1600 a year for 1886 and 1887 ending February 28, for porter hire for these departments.

Senator Kleberg moved the previous question on the amendment and the bill.

Seconded and main question ordered.



The amendment of Senator Harrison was lost, and the bill was passed to third reading.  
On motion of Senator Davis, the vote by which the bill was passed to third reading was reconsidered.

Senator Traylor offered the following amendment:

Add section —. The near approach of the close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted, and  
The bill was passed to third reading.  
On motion of Senator Kleberg,  
The constitutional rule was suspended, and  
The bill was placed on its final reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

The bill was read third time and passed by the following vote:

YEAS—16.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Getzendaner,	Knittel,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Hall,		

NAYS—8.

Davis,	Garrison,	Perry,
Farrar,	Harrison,	Woods.
Fowler,	Jerdone,	

I vote "no" on the appropriation bill for the following reasons, among others:

1. The appropriations out of the available public free school fund for the maintenance of the Sam Houston and Prairie View Normal schools is in violation of section 5, article 7 of the Constitution.
2. The appropriation of \$50,000 to develop the iron industries at the Rusk penitentiary will be a useless waste of public money, and result in no benefit to the State.

DAVIS.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was laid before the Senate.

On motion of Senator Davis,  
The bill was postponed and made the special order for to-morrow after morning call, and from day to day until disposed of.

On motion of Senator Woods,  
The regular order of business was suspended, and Senate bill No. 257, "An act to amend article 3994, title 80 of the Revised Civil Statutes, approved April 4, 1881," was taken up.

Read the second time, and ordered engrossed.

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" was laid before the Senate and read third time.

Senator Traylor moved the previous question on the passage of the bill.

Seconded, and

Main question ordered.

No quorum voted on the bill.

Senator Kilgore moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Davis,	Hall,	Kilgore,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Jerdone,	Randolph.

NAYS—15.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

Senator Harrison moved to adjourn till 8 o'clock to-night.

Lost by the following vote:

YEAS—9.

Davis,	Garrison,	Kilgore,
Evans,	Harrison,	Randolph,
Farrar,	Jerdone,	Shannon.

NAYS—15.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

Senator Jerdone moved to adjourn till to-morrow morning.

Lost by the following vote:

YEAS—11.

Davis,	Hall,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon.
Garrison,	Kilgore,	

NAYS—15.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

Senator Getzendaner moved a call of the Senate on the bill.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The Sergeant-at-Arms was ordered to bring in the absentee, and

The pending bill went to the table.

Senator Glasscock moved to take up Senate bill No. 186.

Lost.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas," was laid before the Senate and read the second time.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The pending business went to the table.



House bill No. 525 (judicial district bill) was laid before the Senate.  
 Senator Stinson moved a call of the Senate.  
 Call sustained.  
 Roll called.  
 Absent—Senator Kilgore.  
 The pending business went to the table.  
 Senator Kleberg moved to adjourn till 8 o'clock to-night.  
 Lost.  
 Senator Jerdone moved to adjourn till 10 o'clock to-morrow morning.  
 Adopted.

## SIXTY-THIRD DAY.

SENATE CHAMBER, }  
 AUSTIN, TEXAS, March 27, 1885. }

The Senate met pursuant to adjournment.  
 Lieutenant-Governor Gibbs in the chair.  
 Roll called.  
 Quorum present.  
 Prayer by the Chaplain, Dr. Smoot.  
 On motion of Senator Kleberg,  
 The reading of the journal of yesterday was dispensed with.

The President gave notice of signing the following bills:

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson for military service;" and

House bill No. 343, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a, and to amend article 375 thereof;" and

Substitute House bill No. 148, "An act to amend article 14, chapter 67 of an act to redistrict the State into judicial districts," etc.; and

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purpose of purchasing lots or subdividing lands, and the sale and conveyance of the same;" and

Senate bill No. 209, "An act to preserve the charters of certain railway companies that by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof."

## REPORTS OF STANDING COMMITTEES.

By Senator Farrar:

COMMITTEE ROOM,  
 AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Asylums, to whom was referred substitute House bill No. 265, entitled "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum and Deaf and Dumb Asylum," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

The committee are of the opinion that the laws now in force are sufficient for the proper regulation and government of these institutions.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,  
 AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined Senate bill No. 235, being "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said county courts may be held," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,  
 AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 165, being "An act to amend articles 4128 and 4190 of the Revised Civil Statutes of the State of Texas," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,  
 AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 257, being "An act to amend the act entitled 'an act to amend article 3994 of title 80 of the Revised Statutes, approved April 4, 1881,'" and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Garrison:

COMMITTEE ROOM,  
 AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Insurance, Statistics and History to whom was referred House bill No. 152, entitled to "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it lie upon the table, for the reason that they see no necessity for the legislation contemplated in the bill.

All of which is respectfully submitted.

GARRISON, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,  
 AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 139, entitled "An act to amend section 29 of the act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it remain on the table subject to the call of the Senate.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

By Senator Traylor: